



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 27, 2020

BY ECF and EMAIL

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Ethan Phelan Melzer, 20 Cr. 314 (GHW)*

Dear Judge Woods:

The Government respectfully submits this letter on behalf of the parties to (i) ask that the Court enter a protective order with respect to the Government's production of discovery to the defendant; (ii) request that the Court schedule an initial conference in this matter for August 17, 2020, or at a subsequent date that is convenient for the Court, and (iii) to exclude time, with the defendant's consent, through the date of that conference.

First, the Government respectfully requests that the Court enter the enclosed proposed protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, attached as Exhibit A. Defense counsel has consented to the entry of the protective order. The Government will begin its production of discovery upon entry of the protective order, and anticipates that its discovery production will be substantially complete by July 27, 2020.

Second, the defendant's arraignment in Magistrate's Court is scheduled to occur on July 6, 2020, which is the first date available on the calendar. The parties respectfully request that the Court schedule the initial conference in this matter for August 17, 2020, or subsequent date that is convenient for the Court. In the interim, the parties will continue to discuss pretrial matters, so that they can address scheduling at the conference. In addition, to allow time for the Government to produce discovery and for the defendant to begin reviewing discovery and consider potential pretrial motions, the Government respectfully requests that time under the Speedy Trial Act be excluded through the date that Court selects for the initial conference. Counsel for the defendant has consented to this request.

Honorable Gregory H. Woods

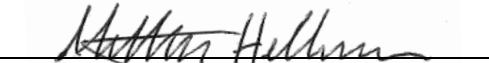
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Per the Court's individual rules, the Government is submitting a proposed Order as to the exclusion of time under the Speedy Trial Act in Adobe PDF format on ECF, attached as Exhibit B, and in Microsoft Word format by email.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: 

Samuel Adelsberg / Matthew Hellman
/ Sidhardha Kamaraju
Assistant United States Attorneys
Tel: (212) 637-2494/2278/6523

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : **STIPULATED
PROTECTIVE ORDER**
- v. - :
ETHAN PHELAN MELZER, : 20 Cr. 314 (GHW)
a/k/a "Etil Reggad," :
Defendant. :
-----x

GREGORY H. WOODS, District Judge:

WHEREAS ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, has sought from the Government access to certain materials that are discoverable pursuant to Rule 16 of the Federal Rules of Criminal Procedure ("Rule 16"), which, if disseminated to third parties, could, among other things, implicate the safety of others, including confidential sources, and impede ongoing investigations (the "Protected Materials");

WHEREAS, the Government desires to protect the safety of others and ongoing investigations disclosed in the Protected Materials; and

WHEREAS, in the interest of expediting the discovery process, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, by his attorneys, Jennifer Willis, Esq., and Jonathan Marvinny, Esq., consents to the entry of this Order;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Protected Materials shall be used by the defendant, his counsel, and his counsel's agents only for purposes of defending the charges, in connection with sentencing, and pursuing any appeals in this criminal action. To the extent the Protected Materials are shown to additional persons consistent with the terms set forth below, those additional persons may use the

Protected Materials only in connection with this criminal action.

2. The Government shall identify to defense counsel all items that are to be afforded protected status as Protected Materials pursuant to this Protective Order.

3. The Protected Materials and the information and identities contained or disclosed therein:

(a) Shall be used by the defendant or his counsel only for purposes of this action;

(b) Shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 3(c) below;

(c) May be disclosed only by the defendant's counsel and only to the following persons (hereinafter "Designated Persons"):

(i) associate counsel or investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendant's attorneys;

(ii) independent expert witnesses, investigators, or advisors retained by the defendant in connection with this action; and

(iii) such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and

(d) Shall be returned to the Government at the conclusion of this case, including any appeals, within 30 days of the conclusion of the appeal, or of the expiration of the period for direct appeal from any verdict in the case; the period of direct appeal from any order dismissing any of the charges in the case; or the granting of any motion made on behalf of the Government dismissing any charges in the above-captioned case, whichever date is later, together

with any and all copies thereof.

4. The defendant and his counsel shall provide a copy of this Protective Order to Designated Persons to whom the Protected Materials are disclosed pursuant to paragraphs 3(c)(i), (ii) and (iii). Designated Persons shall be subject to the terms of this Order.

5. Nothing in this Order shall preclude the Government from seeking a further protective order pursuant to Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 § 3, to protect against disclosure in this case of any classified information disclosed by the Government.

6. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in this action or to any judge or magistrate of this Court in connection with the above-captioned matter.

AGREED AND CONSENTED TO:



Jennifer Willis, Esq.
Jonathan Marvinny, Esq.
Attorneys for the defendant

June 26, 2020
Date

SO ORDERED:

HONORABLE GREGORY H. WOODS
United States District Judge
Southern District of New York

Date

EXHIBIT B

Revised: March 13, 2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
:
UNITED STATES OF AMERICA, :
: 1:20-cr-314-GHW
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: ORDER
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:
ETHAN PHELAN MELZER, :
a/k/a "Etil Reggad," :
:
Defendant. :
:
----- X

GREGORY H. WOODS, United States District Judge:

Upon the application of the United States of America, by and through AUDREY STRAUSS, Acting United States Attorney for the Southern District of New York, SAMUEL ADELSBERG, MATTHEW HELLMAN, and SIDHARDHA KAMARAJU, Assistant United States Attorneys, of counsel, and with the consent of ETHAN PHELAN MELZER, a/k/a "Etil Reggad," by and through his attorneys, JENNIFER WILLIS, ESQ., and JONATHAN MARVINNY, ESQ., this Court ordered on JUNE ___, 2020 that the initial pretrial conference in this case be held on AUGUST ___, 2020 at _____.

The Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial because it will permit the defendant and his counsel to receive and review discovery, consider the need for any potential pretrial motions, and it will permit the parties to begin discussions regarding any potential pretrial resolution of this matter. Accordingly, it is ORDERED that the time from the date of this order through AUGUST ___, 2020 is hereby excluded

under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED.

Dated:
New York, New York

GREGORY H. WOODS
United States District Judge